REMARKS

Claims 1-22 are the claims currently pending in the Application.

Claims 8, 12 and 22 are amended to clarify features recited thereby.

Formal Matters

Applicant thanks the Examiner for reviewing and considering the references cited in the Information Disclosure Statement filed April 5, 2001.

Applicant notes that the claim for foreign priority and the receipt of the priority document have not been acknowledged. Applicant respectfully requests that the Examiner so acknowledge the same in the next Office correspondence.

Rejection of Claims 1-4 and 6-7 under 35 U.S.C. § 102

Claims 1-4 and 6-7 are rejected under 35 U.S.C. § 102, as being anticipated by PineappleSoft (PineappleSoft Link Newsletter, Issue 19, dated July 1999). This rejection is traversed.

Among the problems recognized and solved by Applicant's claimed invention is that in an eCommerce application providing services to a user over the Internet, a service that becomes available is not always instantly accessible to the user.[1]

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[1] The present discussion highlights aspects of Applicant's claimed invention. However, Applicant does not represent that every embodiment of Applicant's claimed invention necessarily solves the problems herein identified or provides the solutions discussed

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According to an aspect of Applicant's claimed invention, when a web server is in communication with the user's processor over the Internet and the eCommerce service provider, a new service made available by the eCommerce service provider is instantaneously accessible to the user even, for example, without reloading a web page to the user's processor. The references cited do not disclose or suggest these features.

For at least the following reasons, Applicant's claimed invention is neither anticipated by nor obvious from the prior art, including PineappleSoft. By way of example, independent claim 1 requires a web server in communication with the user and the eCommerce service provided by the eCommerce service provider, such that new services made available by the eCommerce service provider are instantly accessible.

PineappleSoft discloses an overview of the Jini set of protocols, which are designed to be useable in an intranet environment. PineappleSoft discloses that Jini simplifies networking, including "spontaneous" networking, between consumer devices, appliances, and the like. Further, PineappleSoft discloses that Jini-enabled computers automatically download software for a printer to enable a simplified "plug and play" system.

PineappleSoft does not disclose a web server on the Internet in communication with the user and the eCommerce services provided by the eCommerce service provider, as *inter alia*, required by independent claim 1. First, PineappleSoft overviews aspects of a version of Jini, and does not disclose or suggest networking in an Internet environment. In fact, PineappleSoft belongs to the prior art recognized by

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herein as illustrative examples.

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Applicant's disclosure, because PineappleSoft does not disclose or suggest networking in an Internet environment.

Further, since, PineappleSoft does not disclose or suggest networking in an Internet environment, PineappleSoft is incapable of disclosing or suggesting a user logged on via the Internet with the web server.

The Examiner cites PineappleSoft, page 1, disclosing that by plugging in a Jini-enabled PDA to a Jini-enabled hotel network, the PDA displays automatically hotel services, such as ordering dinner, booking a next trip, *et cetera*. However, as discussed, PineappleSoft does not disclose or suggest a web server in communication with the user and an eCommerce service provider as *inter alia*, required by independent claim 1. Since PineappleSoft does not disclose or suggest such a web server, PineappleSoft is incapable of disclosing or suggesting a web server such that a new service made available by the eCommerce service provider is instantly accessible, as further required by independent claim 1. Therefore, PineappleSoft does not disclose or suggest the features recited by independent claim 1.

Claims 2-4, 6 and 7 depend from independent claim 1, and thus incorporate the new and nonobvious features thereof. Therefore, claims 2-4, 6 and 7 are patentably distinguishable over the prior art for at least the reasons that independent claim 1 is patentably distinguishable over the prior art.

Rejection of Claims 5, 8, 9, 11-13, 15-17 and 21 under 35 U.S.C. §102

Claims 5, 8, 9, 11-13, 15-17 and 21 are rejected under 35 U.S.C.

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§102, as being anticipated by PineappleSoft, Roxen (Request For Comments 2714, dated October, 1999), and IBM (Software Announcement, "IMB DCE V3.1 for AIX and IMB DCE V3.1 for Solaris," dated September 28, 1999). This rejection is traversed.

Claim 5 depends from independent claim 1, and thus incorporates novel and nonobvious features thereof. Roxen and IBM do not remedy the deficiencies of PineappleSoft as they relate to Applicant's invention as claimed in independent claim 1.

Roxen discloses an LDAP (Lightweight Directory Access Protocol) directory for storing data as a hierarchy of directory entries, each containing a set of attributes. Thus, Roxen does not remedy the deficiencies of PineappleSoft as they relate to claim 1.

IBM discloses a distributed computer environment (DCE) for versions of AIX and Solaris that support the creation, use and maintenance of distributed applications in a diverse network-computing environment. (IBM, page 1, leftmost column.) IBM discloses services based in a distributed computer environment to provide support for remote procedure calls, and client functionality for cell directory services; and further discloses DCE security services that enable secure communications and controlled accessed resources (IBM, page 1, leftmost column).

IBM does not disclose or suggest a web server in communication with the user and the eCommerce services provided as *inter alia*, required by independent claim 1. Further, since IBM does not disclose or suggest such a web server, IBM is incapable of disclosing or suggesting a web server, such that a new service made available by the eCommerce service provider is instantly accessible, as further required by independent

claim 1. Accordingly, IBM does not disclose or suggest the features of independent

claim 1.

No Motivation for Combining

Moreover, the Examiner cites no teaching that would have motivated for

combining PineappleSoft with Roxen and IBM. The Examiner alleges (Office Action,

page 4) that motivation for modifying PineappleSoft in view of Roxen as taught by IBM

would have been "to provide a centralized security registry."

While arguably a general teaching such as providing "centralized security"

could be an improvement in some software applications, there is no teaching in the cited

references for the combination proposed by the Examiner. Applicant respectfully submits

that it constitutes impermissible hindsight reconstruction based on Applicant's own

disclosure to so modify PineappleSoft using the teachings of IBM and Roxen.

Second, IBM's centralized security teaching adapted and combined with

PineappleSoft would not have achieved Applicant's invention as claimed in independent

claim 1. That is, the Examiner has cited no teaching in the prior art that would have

motivated for combining the references in the manner proposed to arrive at Applicant's

invention as claimed in independent claim 1. IBM's distributed computer environment

combined with PineappleSoft and Roxen would still not have achieved Applicant's

invention, as claimed in claim 1, without undue experimentation or impermissible

hindsight reconstruction using Applicant's own disclosure. Therefore, claim 5 is

patentably distinguishable over the prior art, including PineappleSoft, Roxen and IBM,

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even taken together as a whole, for at least the reasons that independent claim 1 is patentably distinguishable over the prior art.

Independent claim 8 requires, *inter alia*, that computationally intensive jobs are distributed as directed for execution by the LoadBalancer/ComputeServer.

The cited prior art does not disclose a LoadBalancer/ComputeServer as required by independent claim 8. The Examiner cites IBM, which discloses a DCE (distributed network computing) application for the network computing environment. However, IBM does not disclose or suggest a LoadBalancer/ComputeServer. Since IBM does not disclose or suggest a LoadBalancer/ComputeServer, IBM is incapable of disclosing that computationally intensive jobs are distributed as directed for execution by the LoadBalancer/ComputeServer.

Moreover, the Examiner cites no teaching that would motivate for combining PineappleSoft with Roxen and IBM. The Examiner alleges (Office Action, page 8) that motivation for modifying PineappleSoft in view of Roxen as taught by IBM would be to take advantage of IBM's distributed computing environment technology, and thus to perform multiple tasks simultaneously. Applicant respectfully submits that it constitutes impermissible hindsight reconstruction to so modify PineappleSoft based on Applicant's disclosure by using the teachings of IBM and Roxen. While arguably many applications could be made to work better using some form of distributed computing, there is no teaching in the cited references for the combination proposed by the Examiner. The Examiner cites no disclosure in the cited references that would motivate for the proposed combination to arrive at Applicant's claimed invention.

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Independent claim 12 requires *inter alia*, that if a new service is created and started while the user is logged in via the Internet with the web server, the information pertaining to the new services will dynamically appear in the client applet. As discussed, PineappleSoft does not disclose a web server on the Internet in communication with the user and the eCommerce services provided by the eCommerce service provider, as *inter alia*, required by independent claim 1.

Claims 9 and 11 depend from independent claim 8. Claims 13, 15-17 and 21 depend from independent claim 12. Therefore, claims 9, 11, 13, 15-17 and 21 incorporate the novel and non-obvious features of their respective base claims, and are thus patentably distinguishable over the prior art for at least the reasons that independent claims 8 and 12, respectively, are patentably distinguishable over the prior art.

Rejection of Claims 10 and 14 under 35 U.S.C. § 103

Claims 10 and 14 are rejected under 35 U.S.C. § 103, as being obvious from PineappleSoft, Roxen, IBM and Microsoft (White Paper, "Network Load Balancing Technical Overview," dated January 21, 2000). This rejection is traversed.

Claim 10 depends from independent claim 8 and claim 14 depends from independent claim 12, and thus claims 10 and 14 incorporate novel and non-obvious features of their respective based claims. As discussed, Roxen and IBM do not remedy the deficiencies of PineappleSoft as they relate to Applicant's invention as claimed in independent claims 8 and 12.

Microsoft discloses Network Load Balancing (NLB) according to which

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incoming IP traffic is balanced among multi-node clusters (Microsoft, page 1, 2nd full paragraph). This type of IP traffic handling is particularly useful in mission-critical applications such as financial transaction data based accessed, corporate intranets and other key functions that must run 24 hours a day, seven days a week, requiring scale performance to handle large volumes of client requests without creating unwanted delays (Microsoft, page 1, 2nd & 3rd full paragraphs). Thus, Microsoft discloses load balancing in which incoming client requests are distributed to processors to handle the traffic volume.

Microsoft does not disclose or suggest a LoadBalancer that distributes jobs based on computational intensity. Therefore, Microsoft does not remedy the deficiencies of PineappleSoft as they relate to Applicant's invention as claimed in independent claims 8 and 12. Accordingly, claims 10 and 14 are patentably distinguishable over the prior art for at least the reasons that independent claim 8 and 12 are patentably distinguishable over the prior art.

Rejection of Claims 8-20 under 35 U.S.C. § 103

Claims 8-20 are rejected under 35 U.S.C. § 103, as being obvious from PineappleSoft, Roxen, IBM, Microsoft and Hunter. This rejection is traversed.

Independent claim 8 requires, *inter alia*, that computationally intensive jobs are distributed as directed for execution by the LoadBalancer/ComputeServer.

As discussed, PineappleSoft, Roxen do not disclose the cited feature of independent claim 8. Further, as discussed, Microsoft does not disclose or suggest a

LoadBalancer that distributes jobs based on computational intensity.

Hunter discloses some enhancements to the Java Servlet API 2.2. Hunter discloses that servlets are plugable web applications that can be deployed in a server-independent manner, and that rules can be provided to define how to distribute servlets across multiple back-end servers.

However, Hunter does not disclose or suggest LoadBalancer/ComputeServer, and clearly Hunter does not disclose or suggest a LoadBalancer/ComputeServer that distributes jobs based on computationally intensity, as *inter alia*, claimed in independent claim 8.

Independent claim 12 requires *inter alia*, that if a new service is created and started while the user is logged in via the Internet with the web server, the information pertaining to the new services will dynamically appear in the client applet. IBM, Microsoft and Hunter do not remedy the above-identified deficiencies of PineappleSoft as they relate to claim 12.

Rejection of Claim 22 under 35 U.S.C. § 103

Claim 22 is rejected under 35 U.S.C. § 103, as being obvious from PineappleSoft, Roxen, IBM, Microsoft and Hunter. This rejection is traversed.

Independent claim 22 requires, *inter alia*, that if a new service is created and started while the user is in communication via the Internet with the web server, the information pertaining to the new service will dynamically appear in the client applet.

As discussed, IBM, Microsoft and Hunter do not remedy the above-

identified deficiencies of PineappleSoft as they relate to the features of claim 22.

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is now allowable and respectfully requests that at this time the Examiner reconsider the rejections and allow the Application. Should the Examiner have any questions regarding this Amendment or the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

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